

AMENDED IN SENATE MAY 2, 2012  
AMENDED IN SENATE APRIL 9, 2012

**SENATE BILL**

**No. 1480**

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**Introduced by Senator Corbett**  
(Principal coauthor: Assembly Member Hill)

February 24, 2012

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An act to amend Sections 4004, 4005, 4006, 4007, and 4008 of, and to add Sections 4013 and 4014 to, the Fish and Game Code, relating to trapping.

LEGISLATIVE COUNSEL'S DIGEST

SB 1480, as amended, Corbett. Trapping.

~~(1) Existing law prohibits certain activities related to trapping, as specified.~~

~~This bill would add to those prohibitions the killing of a trapped mammal through certain specified actions. This bill would prohibit solicitation of trapping business from the public in certain specified situations. This bill would also prohibit the trapping of bats. This bill would permit certain exceptions to the prohibition against bat trapping where the removal of bats will prevent property damage or protect human health and safety, as prescribed.~~

~~Existing~~

~~(1) Existing law, except as specified, requires every person, other than a fur dealer, who traps fur-bearing mammals or nongame mammals, designated by the Fish and Game Commission, or who sells raw furs of those mammals, to have a trapping license from the Department of Fish and Game. Certain persons taking mammals injurious to growing crops or other property are exempted from the trapping license~~

requirement, except those persons providing trapping services for profit are required to obtain a trapping license from the department.

This bill would establish 2 classes of trapping licenses. The bill would authorize a person who has complied with all applicable licensing and license renewal requirements to trap wildlife for recreation or fur to be issued a class I trapping license. The bill would authorize specified persons trapping wildlife for a profit be issued a class II trapping license. The bill would require the department to publish a list of class II trapping licensees on its Internet Web site. The bill would authorize the commission to ~~suspend or revoke a trapping license at a regularly scheduled meeting of the commission on prescribed grounds~~ *issue a formal warning or suspend a license when a licensee is found, after a duly noticed hearing, to have published inconsistent information on wildlife diseases, as specified.*

The bill would establish the Trapping Enforcement Account in the Fish and Game Preservation Fund. The bill would require fee revenues to be placed in the account, to be available, upon appropriation, for specified purposes relating to the enforcement of existing laws and regulations governing trapping.

The bill would require a class II trapping licensee to make a reasonable effort, as defined, not to leave dependent young animals, that are orphaned as a consequence of the trapping and killing of their mother, to die within an area of a home or business that is inaccessible to the licensee. The bill would further require class II trapping licensees to provide clients with a written contract, containing prescribed information, prior to setting traps.

(2) Existing law, except as expressly provided, makes any violation of the Fish and Game Code, or any rule, regulation, or order made or adopted under that code, a misdemeanor. *Existing law makes certain actions relating to trapping unlawful.*

The bill *also* would make it unlawful to kill any trapped mammal by listed methods or to solicit trapping services business from the public for reasons of health or safety pursuant to specified laws. *The bill also would prohibit the trapping of bats, as specified.* By specifying these new Fish and Game Code violations, thereby defining new crimes, this bill would impose a state-mandated local program.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.

State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 4004 of the Fish and Game Code is  
2 amended to read:

3 4004. It is unlawful to do any of the following:

4 (a) Use a trap with saw-toothed or spiked jaws.

5 (b) Use or sell leghold steel-jawed traps with a spread of 5 ½  
6 inches or larger without offset jaws.

7 (c) Use steel-jawed traps larger than size 1 ½ or with a spread  
8 larger than 4 ⅞ inches for taking muskrat.

9 (d) Set or maintain traps which do not bear a number or other  
10 identifying mark registered to the department or, in the case of a  
11 federal, state, county, or city agency, bear the name of that agency,  
12 except that traps set pursuant to Section 4152 or 4180 shall bear  
13 an identifying mark in a manner specified by the department. No  
14 registration fee shall be charged pursuant to this subdivision.

15 (e) Fail to visit and remove all animals from traps at least once  
16 daily. If the trapping is done pursuant to Section 4152 or 4180, the  
17 inspection and removal shall be done by the person who sets the  
18 trap or the owner of the land where the trap is set or an agent of  
19 either.

20 (f) Use a steel leghold trap with a spread exceeding 7 ½ inches  
21 or killer-type trap of the conibear type that is larger than 6 inches  
22 by 6 inches, unless partially or wholly submerged in water.

23 (g) Set or maintain steel leghold traps within 30 feet of bait  
24 placed in a manner or position so that it may be seen by any soaring  
25 bird. As used in this subdivision, “bait” includes any bait composed  
26 of mammal, bird, or fish flesh, fur, hide, entrails, or feathers.

27 (h) Set or maintain steel leghold traps with a spread of 5 ½  
28 inches or larger without a tension device.

29 (i) Kill any trapped mammal in accordance with this section by  
30 intentional drowning, ~~thoracic compression, commonly known as~~  
31 ~~chest crushing, or~~ injection with any chemical not sold for the  
32 purpose of euthanizing animals, *or thoracic compression,*  
33 *commonly known as chest crushing.*

(j) Solicit trapping business from the public for reasons of health or safety; or any reason other than damage to crops or property; under a class II license, pursuant to Section 4152, 4180, or 4011.

~~(k) Trap a bat, except as provided in this subdivision.~~

~~(1) For the purposes of this subdivision, the following terms have the following meanings:~~

~~(A) “Exclusion,” “exclude,” or “excluded” means a nonlethal method of allowing a bat to leave an area but not to return to that area.~~

~~(B) “Owner” means an owner of a structure that humans occupy.~~

~~(C) “Protection of human health and safety” means preventing direct human contact with bats within a structure.~~

~~(2) A net may be used in a nonlethal manner to prevent a bat from causing property damage or for the protection of human health and safety.~~

~~(3) An owner may exclude a bat if the owner does so for the protection of human health and safety, in accordance with the following procedures:~~

~~(A) The owner shall attempt to seal, screen, or otherwise close any opening that allows bats to access the interior of the structure.~~

~~(B) If the action in subparagraph (A) is not feasible, the owner shall contact the appropriate regional office of the department and shall explain to the appropriate members of the department the nature of the owner’s attempts to prevent the bats from entering the owner’s structure.~~

~~(4) If an owner informs the department that a bat is entering the interior of the structure, and that the owner is unable to close the bat’s point of entry, the department shall provide an effective remedy to the owner.~~

~~(A) The department may recommend the appropriate course of action, and may request that the owner grant permission for a department warden or biologist to enter the affected structure so that the department may further assist the owner.~~

~~(B) The department may consider identifying the species of bat, the protected status of the bat, the size of the bat colony, or other factors necessary to protect both the health and safety of the occupants of the structure, and the health and safety of the bats.~~

~~(C) The department shall not impose a requirement with respect to removal or exclusion of bats that prevents a person from protecting human health or safety.~~

~~(D) Unless otherwise authorized by the department, bats may only be excluded outside of the periods during which nonflying young are present or when bats are in torpor or hibernation, which is defined as a period in which the weekday temperature consistently remains over 50 degrees Fahrenheit for seven consecutive days.~~

~~(5) The department may authorize healthy adult bats to be relocated to a warmer area of the state or temporarily confined at a licensed wildlife rehabilitation center until the department determines the temperature is warm enough for the bats to be returned to the area where they were collected. The department may facilitate the transport of adult protected bat species or their young, if the young were orphaned due to exclusion. Any policies adopted by the department wildlife rehabilitation coordinator relating to temporary confinement of healthy bats shall carry the same penalty as a violation of, and may be adopted into, Section 679 of Title 14 of the California Code of Regulations.~~

~~(6) This subdivision does not apply to a person acting pursuant to a scientific collector's permit issued to that person.~~

*(k) (1) Trap bats, except that nets may be used for nonlethal control of property damage or for protection of human health or safety. Nets and exclusion are the only lawful methods of removing bats from a structure. Except as provided for in paragraph (2), bats may be excluded only outside of the periods during which nonflying young are present and when bats are in torpor or hibernation. This section shall not affect a person possessing a scientific collector's permit, pursuant to Section 2081.*

*(2) Bats may be excluded to protect human health or safety at any time when in accordance with subparagraphs (A) and (B).*

*(A) If there are holes or cracks in a structure that allow bats to enter the interior area of a structure that humans occupy, it is the responsibility of a property owner or a designated agent or licensee to seal or screen or otherwise close these holes to prevent bats from entering the structure. If the property owner or a designated agent or licensee is unable to seal, screen, or otherwise close the holes or cracks that allow bats to enter the structure, the property owner or a designated agent or licensee shall contact the nearest regional office of the department prior to taking any action to exclude the bats.*

1 (B) If a property owner or a designated agent or licensee  
2 contacts a regional office of the department to report that bats are  
3 entering the interior of a structure that is occupied by humans and  
4 is unable to seal those access points that allow bats entry, the  
5 department shall assist the property owner or a designated agent  
6 or licensee in addressing this risk to human health or safety. The  
7 department may assist by recommending the appropriate course  
8 of action and may request that the property owner or a designated  
9 agent or licensee grant permission for a department warden or  
10 biologist to enter the affected structure to further assist the property  
11 owner or a designated agent or licensee. The department may want  
12 to identify the species of bat, the protected status of the bat, the  
13 size of the colony, or other factors in providing an effective remedy  
14 to protect the health or safety of all occupants of the structure and  
15 the protection of bats. The department shall not prohibit any person  
16 from excluding bats for the protection of human health or safety.

17 (3) For purposes of this subdivision, the following terms have  
18 the following meanings:

19 (A) "Exclusion" means a method of allowing an animal to leave  
20 an area but not return.

21 (B) "Protection of human health or safety" means preventing  
22 direct human contact with bats within any structure.

23 (C) "Torpor or hibernation" means a period in which the  
24 consistent weekday temperature remains consistently over 50  
25 degrees Fahrenheit for seven consecutive days except as otherwise  
26 authorized by the department.

27 SEC. 2. Section 4005 of the Fish and Game Code is amended  
28 to read:

29 4005. (a) Except as otherwise provided in this section, every  
30 person, other than a fur dealer, who traps fur-bearing mammals or  
31 nongame mammals, designated by the commission or who sells  
32 raw furs of those mammals, shall procure a trapping license. "Raw  
33 fur" means any fur, pelt, or skin that has not been tanned or cured,  
34 except that salt-cured or sun-cured pelts are raw furs.

35 (b) The department shall develop standards that are necessary  
36 to ensure the competence and proficiency of applicants for a  
37 trapping license. A person shall not be issued a license until he or  
38 she has passed a test of his or her knowledge and skill in this field.

1 (c) Persons trapping mammals in accordance with Section 4152  
2 or 4180 are not required to procure a trapping license except when  
3 providing trapping services for profit.

4 (d) (1) A person who has complied with all applicable licensing  
5 and license renewal requirements to trap wildlife for recreation or  
6 fur may be issued a class I trapping license.

7 (2) A person who has passed the trapping license application  
8 test established by the department pursuant to subdivision (b) for  
9 persons trapping wildlife for a profit in accordance with Section  
10 4152 or 4180 may be issued a class II trapping license. The  
11 department shall publish on the Internet Web site of the department  
12 a list of class II licensees authorized to provide trapping services  
13 to the public for a profit in accordance with Section 4152 or 4180;  
14 and the registered business name under which the licensee operates.

15 (3) A license shall be renewed only for the category of license  
16 that is currently possessed.

17 (e) No raw furs taken by persons providing trapping services  
18 for profit may be sold.

19 (f) The license requirement imposed by this section does not  
20 apply to any of the following:

21 (1) Officers or employees of federal, county, or city agencies  
22 or the department, when acting in their official capacities, or  
23 officers or employees of the Department of Food and Agriculture  
24 when acting pursuant to the Food and Agricultural Code pertaining  
25 to pests or pursuant to Article 6 (commencing with Section 6021)  
26 of Chapter 9 of Part 1 of Division 4 of the Food and Agricultural  
27 Code.

28 (2) Structural pest control operators licensed pursuant to Chapter  
29 14 (commencing with Section 8500) of Division 3 of the Business  
30 and Professions Code, when trapping rats, mice, voles, moles, or  
31 gophers.

32 (3) Persons and businesses licensed or certified by the  
33 Department of Pesticide Regulation pursuant to Chapter 4  
34 (commencing with Section 11701) and Chapter 8 (commencing  
35 with Section 12201) of Division 6 of, and Chapter 3.6,  
36 (commencing with Section 14151) of Division 7 of, the Food and  
37 Agricultural Code, when trapping rats, mice, voles, moles, or  
38 gophers.

39 (g) Except for species that are listed pursuant to Chapter 1.5  
40 (commencing with Section 2050) of Division 3 or Chapter 8

(commencing with Section 4700), nothing in this code or regulations adopted pursuant thereto shall prevent or prohibit a person from trapping any of the following animals:

- (1) Gophers.
- (2) House mice.
- (3) Moles.
- (4) Rats.
- (5) Voles.

~~(h) (1) Licenses issued in accordance with this section are subject to revocation pursuant to Section 12156.~~

~~(2) The commission may suspend or revoke a license issued under this section at a regularly scheduled meeting of the commission for publication of information about wildlife diseases that, in the determination of the commission, is false or misleading. The commission, in making that determination may consider, but shall not be limited to consideration of, information about wildlife diseases published by the federal Centers for Disease Control and Prevention and by the department on its Internet Web site.~~

*(h) Notwithstanding Section 12156, the commission may issue a formal warning or suspend a license when a licensee is found, after a duly noticed public hearing, to have published information about wildlife diseases that is inconsistent with the information about wildlife diseases published by the federal Centers for Disease Control and Prevention or by the department. The commission may consider other sources of information as appropriate.*

SEC. 3. Section 4006 of the Fish and Game Code is amended to read:

4006. A trapping license shall be issued as follows:

(a) To any resident of this state over the age of 16 years upon payment of a base fee of forty-five dollars (\$45), as adjusted under Section 713.

(b) To any resident of this state under the age of 16 years upon payment of a base fee of fifteen dollars (\$15), as adjusted under Section 713.

(c) To any person not a resident of this state upon payment of a base fee of two hundred twenty-five dollars (\$225), as adjusted under Section 713.

A license shall not be issued to a nonresident if the state in which he or she resides does not provide for issuance of a nonresident trapping license to California residents. Also, a nonresident issued



1 a license under this subdivision may take only those species, and  
2 may take or possess only that quantity of a species which a resident  
3 of California may take or possess under a nonresident trapping  
4 license or permit in the state of residence of that nonresident.

5 (d) The Trapping Enforcement Account is hereby established  
6 within the Fish and Game Preservation Fund. Revenues of the  
7 license fees imposed pursuant to this section shall be deposited in  
8 the Trapping Enforcement Account and moneys in the account  
9 shall be available, upon appropriation by the Legislature, to fund  
10 the enforcement of the provisions of this code relating to trapping  
11 and of regulations adopted pursuant to those provisions.

12 SEC. 4. Section 4007 of the Fish and Game Code is amended  
13 to read:

14 4007. A class I trapping license authorizes the person to whom  
15 it is issued to take, during the open season, fur-bearing mammals  
16 and nongame mammals for a term of one year from July 1st, or if  
17 issued after the beginning of that term, for the remainder of the  
18 term and to sell the raw fur of these mammals.

19 SEC. 5. Section 4008 of the Fish and Game Code is amended  
20 to read:

21 4008. A trapping license shall not be issued to any applicant  
22 within one year following the expiration of any trapping license  
23 previously issued to that applicant unless the applicant has  
24 submitted to the department a sworn statement showing the number  
25 of each kind of fur-bearing mammals and nongame mammals taken  
26 under the previous license. A class I trapping licensee shall provide  
27 the names and addresses of the persons to whom furs were shipped  
28 or sold.

29 SEC. 6. Section 4013 is added to the Fish and Game Code, to  
30 read:

31 4013. (a) A class II trapping licensee shall make a reasonable  
32 effort not to leave dependent young animals; that are orphaned as  
33 a consequence of the trapping and killing of their mother; to die  
34 within an area of a home or business that is inaccessible to the  
35 licensee. "Reasonable effort" is defined as taking ~~any of the~~  
36 ~~following~~ steps to ascertain whether dependent young animals are  
37 present, including, but not limited to, *any of the following*:

38 (1) Using the natural history information that is included in the  
39 class II trapping license application examination.

1 (2) Requesting information from the potential client that would  
2 indicate whether dependent young animals are present, such as  
3 infant vocalization and other sounds and activity commonly  
4 associated with young being present.

5 (3) Conducting a visual inspection of the area where sounds or  
6 activity have been reported.

7 (4) Monitoring an entry point with a paper block or tracking  
8 powder to determine whether the entry is disturbed on a daily basis,  
9 indicating a mother returning to her young.

10 (5) Using a heat sensor or other technology.

11 (6) Affixing a one-way door attached to a holding cage across  
12 an entry point of a structure to visually confirm whether the animal  
13 is a lactating female.

14 (7) Other methods of identifying whether young dependent  
15 animals are present.

16 (b) A lactating female animal shall not be killed, and traps shall  
17 not be set if young animal sounds have been reported or it is known  
18 or suspected that dependent young animals exist on the premises  
19 and the removal of young is not possible due to the fact that the  
20 area from which the licensee is trying to remove the animals is  
21 inaccessible to the licensee.

22 (c) If a licensee determines that young dependent animals are  
23 present, the licensee shall use lawful and humane methods to  
24 encourage the mother to relocate the young from the area from  
25 which the licensee is trying to remove the animals.

26 SEC. 7. Section 4014 is added to the Fish and Game Code, to  
27 read:

28 4014. (a) Class II trapping licensees that provide trapping  
29 services for profit pursuant to Section 4152 or 4180 shall provide  
30 each client with a written contract prior to setting traps.

31 (b) The written contract shall contain the following information  
32 and disclosures and shall be printed in at least 12-point typeface  
33 beginning on and continuing from the upper half of the first page  
34 of the contract:

35  
36 California law requires consumers to be provided with the  
37 following information and disclosures prior to traps being set,  
38 when hiring wildlife trapping services.

39 • Name and current contact information of the person setting  
40 a trap.

1       • The current year’s trapping license number of the individual  
2 setting a trap; and the business name under which the services are  
3 provided.

4       • “It is only lawful to trap wildlife for a profit in California  
5 if damage to crops or property has occurred. Animals posing a risk  
6 to human health or safety may only be taken by specified  
7 government officials (Sections 4011, 4152, and 4180 of the Fish  
8 and Game Code).”

9       • “This is a description of the property damage as confirmed  
10 by the licensed trapper through visual inspection:

11 \_\_\_\_\_.”

12       • “This is the target animal or species responsible for the  
13 damage:

14 \_\_\_\_\_.”

15       • “All furbearing and nongame mammals that are legal to  
16 trap must be immediately killed or released. Unless released,  
17 trapped animals shall be killed by shooting where local ordinances,  
18 landowners, and safety permit (Section 465.5(g)(1) of Title 14 of  
19 the California Code of Regulations).”

20       • “Nontarget animals are defined as those animals that  
21 become accidentally trapped, but are not responsible for the  
22 documented property damage. These animals must be immediately  
23 released.”

24       • “Traps must be inspected and all animals removed at least  
25 once each day by the licensed trapper, the person hiring the trapper,  
26 or an agent thereof, pursuant to Sections 4152 and 4180 of the Fish  
27 and Game Code.”

28       • “This is the name and telephone number of the person  
29 charged with checking the traps each day:  
30 \_\_\_\_\_.”

31       • “A reasonable effort must be made to prevent orphaning  
32 dependent animal young. It is prohibited to set traps for an animal  
33 when young are inaccessible or to kill a lactating female animal  
34 if young are inaccessible within a structure such as a home or  
35 business as a consequence of trapping and killing the mother  
36 (Section 4013 of the Fish and Game Code). A reasonable effort  
37 includes, but is not limited to, (a) requesting information about  
38 sounds and activity that would indicate young animals are present,  
39 (b) inspecting the area where sounds or activity is occurring, and

(c) monitoring an access point for evidence of a mother returning daily to her young (Section 4013 of the Fish and Game Code).”

- “The following methods of dispatching trapped mammals are prohibited: drowning, chest crushing, or injection with any chemical not sold for the purpose of animal euthanasia (Section 4004 of the Fish and Game Code).”

- An identifying tag issued by the Department of Fish and Game is required to be affixed to every trap that is set (Section 465.5(g)(1) of Title 14 of the California Code of Regulations).

- A person shall not trap a bat. Bats may be excluded, ~~as defined in~~ pursuant to Section 4004(k) of the Fish and Game Code, during certain time periods, as specified in Section 4004(k) of the Fish and Game Code. Where necessary to protect human health or safety, the department may exclude bats, as specified in Section 4004(k) of the Fish and Game Code.

- Address and signature of client:

\_\_\_\_\_.

- Signature of licensed trapper who will be placing traps:

\_\_\_\_\_.

- The following is a true and accurate list of each animal (by species) trapped at this address, the date each animal was removed, and the final disposition of the removed animal.

Species Trapped: \_\_\_\_\_

Date: \_\_\_\_\_

Final disposition: \_\_\_\_\_

SEC. 8. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.